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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,440	07/20/2000	James F. Kohli	GEMS:0098	2905

7590 10/05/2004
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 Suite 330
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 Houston, TX 77070

EXAMINER

GURSHMAN, GRIGORY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/620,440

Applicant(s)

KOHLI, JAMES F.

Examiner

Grigory Gurshman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/21/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. No amendments to claims 1-27 have been submitted by Applicant.
2. Referring to the independent claims 1, 14 and 27, Applicant argues that Ross does not disclose the limitation “ storing data for a user on a secure data repository and operative in a first processing space inaccessible to the user” recited in claims 1 and 27. Examiner respectfully disagrees and points out that this limitation is explicitly taught By Ross. In particular Ross teaches storage of data on communication and file servers in column 5, lines 5-10 and 34-52. Referring to claim 14, Applicant argues that Ross does not disclose the limitation “transmitting at least a portion of the user data from the first data repository to a second data repository...”. Examiner disagrees and points out that this limitation is met by Ross in column 5, lines 5-10 and 34-52. Referring to claims 1 and 27, Applicant further argues that Ross does not disclose “accessing data from the repository to create a secure data file...” . Examiner points out that this limitation is met by Ross in column 5, lines 5-10 and 34-52. Examiner maintains that Ross does anticipate the claimed subject matter. Examiner points out that broad but reasonable interpretation of the claims is applied.
3. Referring to claims 3, 4, 6, 7, 9, 18 and 20-26, Applicant states that Examiner has not met the burden of establishing the *prima facie* case of obviousness. Examiner respectfully disagrees and points out that the *prima facie* case of obviousness with regard to the instant claims has been established for at least the following reasons:

Ross does not expressly disclose that the report template is stored in the

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second processing space. However, Rasansky discloses this feature (column 6, lines 20-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross by storing the report template in the second processing space as per the teaching of Rasansky.

One of ordinary skill in the art would have been motivated to do so in order to reduce the time it takes to generate a report by eliminating the step of transferring the report template data to the second processing space.

Examiner maintains that combination of Ross and Rasansky renders the instant claims obvious.

4. With respect to the independent claim 20 Applicant argues that combination of Ross and Rosansky does not teach the claimed subject matter. Examiner points out that Ross teaches the following features recited in claim 20:

- a secure data repository operative for storing user data input (Ross, Jr. et al - column 5, lines 5-10 and 34-52),

- a data access program module operative for extracting report data from the secure data repository (Ross, Jr. et al - column 5, lines 5-10 and 34-52),

- a second data repository that is accessible via the network and operative for storing the report data (Ross, Jr. et al - column 5, lines 5-10 and 34-52 and column 12, line 54 to column 13, line 21),

- a report template (Ross, Jr. et al - column 5, lines 5-10 and 34-52),

- a report generation program module operative for generating a report based upon the report data and the report template (Ross, Jr. et al - column 5, lines 5-10

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and 34-52).

Examiner maintains that one of ordinary skill in the art would have been motivated to to add file server functionality to the second repository CPU (Ross, Jr. et al - column 5, lines 5-10) or to add web server functionality to the second repository CPU (Rasansky et al – abstract and column 6, lines 4-32).

5. Rejections of claims 1-27 are maintained in view of reasons and rejections presented herein.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

68)
9/29/04

7. Claims 1-2, 5, 8, 10-13, 14-17, 19, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross, Jr. et al (U5005823948A).

As per claims 1 and 27, Ross, Jr. et al disclose steps and means for the following:
storing data on a secure data repository (See storage of data on communication and file servers in column 5, lines 5-10 and 34-52. See personal ID technologies (i.e. smart card, single and multiple passwords, magnetic card) and "firewall" software in column 12, line 54 to column 13, line 5.),
accessing data (column 5, lines 5-10 and 34-52),
providing the secure data file (column 5, lines 5-10 and 34-52 and column 12, line 54 to column 13, line 5), and
generating the report (column 5, lines 34-52).

8. As per claims 2 and 14, Ross, Jr. et al discloses steps for the following:
storing user data (column 5, lines 5-10 and 34-52),
transmitting user data (column 5, lines 5-10 and 34-52),
defining a report template (column 5, lines 34-52),
generating a secure data file (column 5, lines 5-10 and 34-52),
exporting the secure data file (column 5, lines 5-10 and 34-52 and column 12, line 54 to column 13, line 5),
generating the report (column 5, lines 34-52).

9. As per claim 5, in addition to the teachings applied above, Ross, Jr. et al discloses a step for formatting the report (column 5, lines 34-52 and column 15, lines 54-62).

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10. As per claim 8, in addition to the teachings applied above, Ross, Jr. et al disclose that the second processing space is separated from the configurable network by a second security device (column 12, line 54 to column 13, line 5).
11. As per claim 10, in addition to the teachings applied above, Ross, Jr. et al disclose that the data is accessed in response to a user prompt for report generation (column 12, lines 38-53 and column 13, lines 21-31).
12. As per claims 11 and 16, in addition to the teachings applied above, Ross, Jr. et al disclose that the security device includes a firewall (column 12, line 54 to column 13, line 5).
13. As per claim 12, in addition to the teachings applied above, Ross, Jr. et al disclose the generation and transmission of a notification message indicative of the availability of the report (column 16, lines 4-10 and 38-47).
14. As per claims 13 and 19, in addition to the teachings applied above, Ross, Jr. et al disclose that the report is stored in the second processing space at least until accessed by the user (column 5, lines 14-20).
15. As per claim 15, in addition to the teachings applied above, Ross, Jr. et al disclose that the user data is stored in the first data repository and is synchronized with data stored in the second data repository (column 5, lines 5-10 and 34-52).
16. As per claim 17, in addition to the teachings applied above, Ross, Jr. et al disclose that the user data is transmitted from the first data repository to the second data repository during an automated data collection sequence (column 5, lines 5-10 and 34-52; column 12, lines 28-33, and column 16, lines 5-10 and 38-47).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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18. Claims 3, 4, 6, 7, 9, 18, and 20-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Ross, Jr. et al (U5005823948A) in view of Rasansky et al (US005960406A).

19. As per claims 3-4 and 20-23 and 26, in addition to the teachings applied above, Ross, Jr. et al disclose the following:

- a secure data repository operative for storing user data input (Ross, Jr. et al - column 5, lines 5-10 and 34-52),

- a data access program module operative for extracting report data from the secure data repository (Ross, Jr. et al - column 5, lines 5-10 and 34-52),

- a second data repository that is accessible via the network and operative for storing the report data (Ross, Jr. et al - column 5, lines 5-10 and 34-52 and column 12, line 54 to column 13, line 21),

- a report template (Ross, Jr. et al - column 5, lines 5-10 and 34-52),

- a report generation program module operative for generating a report based upon the report data and the report template (Ross, Jr. et al - column 5, lines 5-10 and 34-52).

20. Ross, Jr. et al fail to expressly disclose that the report template is stored in the second processing space. However, Rasansky et al disclose this feature (column 6, lines 20-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross, Jr. et al by storing the report template in the second processing space as per the teaching of Rasansky et al. One of ordinary skill in the art would have been motivated to do so in order to reduce

the time it takes to generate a report by eliminating the step of transferring the report template data to the second processing space.

21. As per claims 24 and 25, while Ross, et al discloses a second data repository (Ross, Jr. et al - column 5, lines 5-10 and 34-52), the transmission of the report to the user (Ross, Jr. et al - column 5, lines 5-10 and 34-52), a CPU coupled to a wide area network (Ross, Jr. et al - column 5, lines 14-20 and 34-52) and the transmission of the report to a medical diagnostic facility (column 2, lines 4-10), they fail to expressly disclose a server coupled to the second data repository. However, Ross, Jr. et al disclose a file server (Ross, Jr. et al - column 5, lines 5-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ross, Jr. et al by using a file server as one of the CPU second repositories. One of ordinary skill in the art would have been motivated to do so in order to add file server functionality to the second repository CPU (Ross, Jr. et al - column 5, lines 5-10) or to add web server functionality to the second repository CPU (Rasansky et al - abstract and column 6, lines 4-32).

22. As per claim 6, in addition to the teachings applied above, while Ross, Jr. et al disclose a formatted report (Ross, Jr. et al - column 5, lines 34-52 and column 15, lines 54-62), they fail to expressly disclose that the report is formatted as at least one user viewable page in a markup language. However, Rasansky et al discloses this feature (Rasansky et al - abstract, column 1, lines 54-65, column 6, lines 20-32, and claim 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross, Jr. et al by formatting the report in

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a markup language such as HTML as per the teaching of Rasansky et al. One of ordinary skill in the art would have been motivated to do so in order to standardize the format of the report for Internet distribution (Rasansky et al - abstract and column 1 , lines 54-65).

23. As per claim 7, in addition to the teachings applied above, while Ross, Jr. et al disclose a configurable network (Ross, Jr. et al - column 5, lines 5-10, 14-20, and 34-52), they fail to disclose that the configurable network includes the Internet. However, Rasansky et al discloses this feature (Rasansky et al - abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross, Jr. et al by including the Internet in the configurable network as per the teaching of Rasansky et al. One of ordinary skill in the art would have been motivated to do so in order to enable the scheduling of appointments over the Internet (Rasansky et al - abstract).

24. As per claims 9, 18, and 21 , in addition to the teachings applied above, while Ross, Jr. et al disclose the accessing of data (Ross, Jr. et al - column 5, lines 5-10 and 34-52), they fail to disclose that the data is accessed in accordance with a predetermined reporting schedule. However, Rasansky et al discloses this feature (Rasansky et al - abstract, column 1, lines 5-11, column 17, lines 4-27, and column 18, lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross, Jr. et al by accessing data in accordance with a predetermined reporting schedule as per the teaching of Rasansky et al. One of ordinary skill in the art would have been motivated to do so in order to

schedule the automatic sending of reports or announcements (Rasansky et al - abstract; lines 5-11, column 17, lines 4-27, and column 18, lines 1-7).

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (703) 306-2900. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

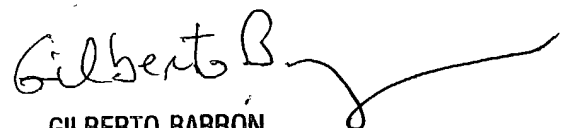
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GG

Grigory Gurshman
Examiner
Art Unit 2132



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